

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed October 21, 2005. At the time of the Office Action, Claims 1-18 were pending in this Application. Claims 1-3, 5, 6, 8, 10-16 and 18 were rejected and Claims 4, 7, 9 and 17 were objected to. Claims 2, 4, 5 and 15 have been amended to further define various features of Applicants' invention. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 112

Claims 2, 4, 5 and 15 were rejected by the Examiner under 35 U.S.C. §112, second paragraph, as being indefinite and failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants have amended Claims 2, 4, 5 and 15 to overcome these rejections and respectfully request full allowance of Claims 2, 4, 5 and 15, as amended.

Rejections under 35 U.S.C. § 102

Claims 13-15 were rejected by the Examiner under 35 U.S.C. §102(b) as being clearly anticipated by U.S. Reissue Patent No. 29,371 issued to George De Bortoli et al. ("De Bortoli"). Additionally, Claims 13-16 and 18 were rejected by the Examiner under 35 U.S.C. §102(b) as being clearly anticipated by U.S. Patent No. 6,193,341 issued to Denise Eizadkhah et al. ("Eizadkhah").

Applicants respectfully traverse and submit the cited art does not teach all of the elements of the claimed embodiment of the invention. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1997). Furthermore, "the identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Applicants respectfully submit that the cited art as anticipatory by the Examiner cannot anticipate the rejected Claims, because the cited art does not show all the elements of the present Claims.

Independent Claim 13 is directed to a cable management assembly the includes, among other limitations, a “flip tray having at least one retainer for managing cabling associated with an associated information handling system stored in the rack, the flip tray selectively moveable between a first, generally vertical, position and a second, generally horizontal, position operable to facilitate access to the associated information handling system component stored within the rack.” Emphasis added.

The De Bortoli reference relates generally to connecting blocks for telephone installations. See Col. 1, lines 10-11. De Bortoli teaches a housing 11 that may be rotated to a down-facing position to allow access “to the rear or back ends of terminal clips 13.” Col. 2, lines 28-29 and Fig. 3. The housing of De Bortoli moves between a upward facing vertical position and a down-facing second position and, thus, clearly fails to disclose a flip tray moveable between a first, generally vertical, position and a second, generally horizontal position as recited in Independent Claim 13.

The Eizadkhah reference generally relates to cabinets for the installation of telecommunications equipment. See Col. 1, lines 10-13. The cabinet taught by Eizadkhan includes an equipment module movable between a closed position and an extended position. See Col. 1, lines 61-64. The closed position is generally vertical (see Figure 1) and the extended position is a tilted position (see Figure 2, Col. 1, lines 65-Col. 2, lines 1-2. Col. 2, lines 11-12, 23-24, 41-42, Col. 3, lines 2-3, 49-50, Col. 4, lines 17-20, 25, 29, 31-32, 38, 56-57, 60-61 and Col. 6, lines 36-37.) Because the cabinet of Eizadkhan reference teaches an equipment module movable between a first (vertical) position and a second tilted position, Eizadkhan clearly fails to disclose a flip tray moveable between a first, generally vertical, position and a second, generally horizontal position as recited in Independent Claim 13.

For at least these reasons, Applicants request reconsideration, withdrawal of the rejections under §102 and full allowance of Independent Claim 13 and Claims 14-16 and 18 which depend therefrom.

Rejections under 35 U.S.C. §103

Claims 1-3, 5, 6 and 10

Claims 1-3, 5, 6 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over De Bortoli in view of the prior art disclosed by Applicants. Claims 1-3, 5, 6 and 10-12

were rejected under 35 U.S.C. §103(a) as being unpatentable over Eizadkhah in view of the prior art disclosed by Applicants. Applicants respectfully traverse and submit that the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

In order to establish a *prima facie* case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

For the reasons discussed above with respect to the rejections to Claim 13 Applicants submit that De Bortoli and Eizadkhan each fail to disclose, teach or suggest a flip tray movable between a first, generally vertical, position and a second, generally horizontal, position as recited in Independent Claim 1. Additionally, the prior art disclosed by Applicants (and cited by Examiner) also fails to disclose such a flip tray. Accordingly, Applicants submit that De Bortoli, Eizadkhan and the prior art disclosed by the Applicants cannot render obvious Independent Claim 1.

For at least these reasons, Applicants respectfully request reconsideration, withdrawal of the rejections under §103 and full allowance of Independent Claim 1 and Claims 2-3, 5, 6 and 10 which depend therefrom.

Claim 8

Claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over Eizadkhah as applied above, and further in view of U.S. Patent No. 5,306,077 issued to Thomas R. Trevaskis ("Trevaskis").

Applicants respectfully submit that Claim 8 depends from claims that have been placed in condition for allowance, thereby obviating the present rejection. Applicants respectfully request reconsideration and favorable action.

Allowable Subject Matter

Claims 4, 7, 9 and 17 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form and to include all of the limitations of the base claim and any intervening claims. Applicants appreciate Examiners notification of

allowability of Claims 4, 7, 9 and 17. However, for the reasons discussed above Applicants submit that Claims 4, 7, 9 and 17 are currently allowable without need for amendment.

CONCLUSION

Applicants have now made an earnest effort to place this case in condition for examination. Applicants respectfully request reconsideration of the application and allowance of the pending claims.

Applicants believe no fees are due, however, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0383 of Baker Botts L.L.P. in order to effectuate this filing.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2548.

Respectfully submitted,

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